Supreme Court, U.S.
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(1)

NO. 06-16809

SUPREME COURT OF THE UNITED STATES

Gale Lawrence Webb

Petitioner

v.

UNITED STATES OF AMERICA

Respondent

ON PETITION FOR A WRIT OF CERTIORARI TO THE

UNITED STATES COURT OF APPEALS FOR THE NINTH

CIRCUIT

PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED FOR REVIEW

WHEN A HABEAS CORPUS PLEADING HAS BEEN FULLY BRIEFED AND IS RIPE FOR JUDGMENT, CAN A CIRCUIT COURT RULE THE CASE MOOT TO AVOID ADJUDICATION WHEN ITS OWN CIRCUIT RULING RECOGNIZES 1) COLLATERAL LEGAL CONSEQUENCES, 2) WRONGS CAPABLE OF REPETITION YET EVADING REVIEW, AND 3) VOLUNTARY CESSION?

PARTIES

:

Solicitor General of the United States

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Gale Lawrence Webb petitions for a writ of certiorari to review the Judgment of the United States Court of Appeals for the Ninth Circuit finding that Habeas Corpus (Case D.C. No. CV-06-01608-NVW, No. 06-16809, pleading moot when Webb is released from custody for contempt of court, civil, and denied an en banc rehearing.

OPINION BELOW

The opinion of the Court of Appeals was filed as not appropriate for publication on August 31, 2007

JURISDICTION

The judgment of the Court of Appeals was entered on August 31, 2007. The jurisdiction of this Court is invoked by Rule 10 of the Rules of this Court.

THE UNDERLYING CAUSE OF THIS ACTION IS A HABEAS CORPUS RELIEF PLEADING JUDGED

MOOT BY THE CIRCUIT COURT IN OPOSITION TO ITS OWN PREVIOUS RULINGS CONCERNING COLLATERAL LEGAL CONSEQUECES WITH WRONGS CAPABLE OF REPETITION YET EVADING REVIEW AND VOLUNTARY CESSION. No. 05-35638 UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT, 483 F.3D 984

HN6 The United States Court of Appeals for the Ninth Circuit recognizes several major exceptions to mootness, including for (1) collateral legal consequences, (2) **wrongs capable of repetition yet evading review** (emphasis added), and (3) voluntary cession.

STATEMENT

This case of mootness FITS SQUARELY with the

conflicting decisions rendered by this Circuit, see No. 05-356328 above. This is a third rail situation, "sacred cow" questioning a " courts discretion" in questions dealing with constitutional issues in this case the Fourth and Fifth Amendments to the Constitution of the United States of America.

This court is called to remove the vagueness of issues that should not arise when constitutional protections are denied by a courts personal agenda that departs from law. Petitioner Webb has twice now been found in contempt of court (civil) for the very same issues and is denied the latest contempt of court with a dismiss with prejudice.

RELIEF

Petitioner prays this Court rule on the merits of first the Habeas Corpus Relief sought in Case No. 06-16809 and finely on the question of mootness in this instant matter.

CONCLUSION

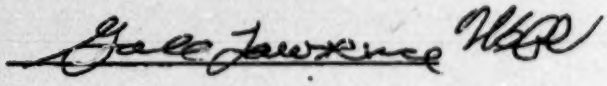
In the alternative, this Court should remand this issue back to the Ninth Circuit Court of Appeals that has abdicated its judicial duties and responsibilities by avoiding any judgment on the merits of the case.

The District Court would not close its contempt of court case when Webb appeals by a writ of Habeas Corpus Relief to the Ninth Circuit Court of Appeals, it denied a Habeas Corpus pleading by the petitioner's best friend, then it denies Webb's own appeal for Habeas Corpus Relief.

Then the district court states its intent to incarcerate Webb for the rest of his life, and the appellant court declines to act on a Ninth Circuit Rule 23, (Rule 36 for this court) for ninety-four days then denied Webb's pleading for a ruling stating a ruling due to the ripeness of the H.C. appeal thus keeping Webb incarcerated for eight months after his filing a

Petition for Release via 9th Cir. FRAP 23.

Respectfully Submitted,



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APPENDIX

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA; et al., Petitioners-Appellees v. GALE LAWRENCE WEBB, Respondent-Appellant	No. 06-16809 D.C. No. CV-06-01608-NVW MEMORANDUM*

Appeal from the United States District Court

For the District of Arizona

Neil V. Wake, District Judge , Presiding

Submitted August 27, 2007**

Before: WALLACE, LEAVY, and THOMAS, Circuit Judges.

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* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R 36-3.

** This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Gale Lawrence Webb appeals pro se from the districts court's judgment denying his 28 U.S.C. § 2241 petition, the district court's order denying his post-judgment motions, and the district court's order finding that Webb had not purged his contempt.

Webb contends that the district court's imposition of civil contempt sanctions was improper because the district court lacked jurisdiction, and the district court sought to coerce him to comply with an Internal Revenue Service ("IRS") summons in violation of the Fourth and Fifth Amendments. The government moves to dismiss the appeal as moot. Because the district court has ordered Webb released from custody and dismissed the government's petition to enforce the IRS summons, we conclude that this appeal is moot. *See Munoz v. Rowland,* 104 F.3d 1096, 1097-98

(9th Cir. 1997); *Abdala v. INS,* 488 F.3d 1061, 1064-65 (9th Cir 2007). We reject Webb's contention that the underlying dispute is capable of repetition yet evading review. *See Unabom Trial Media Coalition v. United States Dist. Court,* 183 F.3d 949, 950-53 (9th Cir. 1999) (per curiam).

DISMISSED

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA; et al., Petitioners-Appellees v. GALE LAWRENCE WEBB, Respondent-Appellant	No. 06-16809 D.C. No. CV-06-01608-NVW **JUDGMENT**

Appeal from the United States District Court for the District of Arizona (Phoenix).

This cause came on to be heard on the Transcript of the Record from the United States District Court for the District of Arizona (Phoenix) and was duly submitted.

On consideration whereof, it is now here ordered and adjudged buy this Court, that the appeal in this case be, and hereby is **DISMISSED as moot.**

Filed and entered Friday, August 31, 2007

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA; et al., Petitioners-Appellees v. GALE LAWRENCE W Respondent-Appellant	No. 06-16809 D.C. No. CV-06-01608-NVW District of Arizona, (Phoenix) ORDER

Before: WALLACE, LEAVY, and THOMAS, Circuit Judges.

The full court has been advised of the petition for rehearing en banc and no judger has requested a vote on whether to rehear the matter en banc. *See* Fed. R. App. P. 35.

The petition for rehearing en banc is denied. No further filings will be accepted in this closed case.

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

UNITED STATES OF AMERICA; Petitioner v. Gale L. Webb Respondent	JUDGEMENT IN A CIVIL CASE CV06-1608-PHX-NVW

____ Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

__X__ Decision by Court. This action came for consideration before the Court. The issues have been considered and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that pursuant to the Court's ruling filed June 18, 2007, granting plaintiff's motion to dismiss and

a release order having been issued, the Petition isa hereby dismissed without prejudice.

RICHARD WEARE

June 19, 2007

District Court

Executive/Clerk

s/E. Leon

Deputy Clerk

Gale Lawrence Webb, Pro Se

CCA

Unit 600, 2H, HH101 B

Florence, Arizona 85232

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

UNITED STATES OF AMERICA , Russell Nelson A Pseudonym) Plaintiff v. Gale Lawrence Webb, Defendant	D.C. No. CIV-06-1608-PHX-NVW (C.A. No. 06-16809 MEMORANDUM TO CORRECT COURT'S BASELESS ASSERTION OF DEFENDANT'S INTENTION TO PURGE

JURISDICTION

This court has by power, without authority, imposed it's jurisdiction in this matter. The defendant responds in the instant matter by special appearance and not a general appearance as declared

in all past communications with this court. This court invokes contempt of court with an abuse of discrestion when ruling "contempt of court" without an issue, case or controversy, Toledo Edison v. G.A. Technologies Inc., 847 F.2d 335, 341, "[o]r has failed to follow the established legal rules or has based the decision on a record devoid of facts to support that decision. "Chrysler Corporation v. Fedders Corporation, 643 F.2d 1229, 1240 (6th Cir.) cert. denied, 454 U.S. 893.

POSITION STATEMENT BY COURT

"The COURT: All right. And therefore, the Court makes the same finding it has previously made; that the defendant remains in contempt of the Court's order and that the contempt detention has not gotten to the point of futility an d indeed there's some indication that Mr. Webb is becoming

motivated to end his incarceration, that the unpleasantness of it is coming to the forefront ofhis mind. And therefore, the Court's encouraged that the continued detention has a reasonable prospect of achieving its legitimate purpose."

CORRECTION TO COURT POSITION

The incarceration is now completing the twelth month. The defendant has not indicated by thought or act an intention to quote "purge himself of the alledged contempt" Indeed, the defendant has declined all opportunities to purge himself namely;

1) Threat by the court to continue incarceration for **LIFE** absent DEFENDANT PURGING HIMSELF. See Transcript of 31 AUG, 2006, page 38, line 11-13
2) Threat by plaintiff, absent purging,

3) to sell defendants home Exhibit 1

4) Incarceration with convicted felons in maximum security prison

5) Missed granddaughter's first communion

6) Missed grandson's high school graduation

7) Lost Air Carrier Permit held for fourteen y ears

SUMMATION

Defendant faced a certain contempt of court threat that he believed to be unlawful. His position has not been altered by the above threats and losses. The Court sought from the plaintiff guidance authorizing their contempt of court well into the period of incorporation. See Transcript of 5 OCT 2006, page 9, line 7-12 The plaintiff presented no authority to trump the defendant's reliance upon the Constitution and it's Bill of Rights protection of the

Fourth and Fifth Amendments thereof/.

The Court's assertion is countered by the defendant's statement of waiving the privilege of purging in open court while under oath and pleading submitted memorializing same, The defendant will not choose to purge that which is illegal by volunteering to submit to an improper and illegal summons and thus reliving the plaintiff and Court of operating under the color of law.

Respectively submitted this 12 day
Of JUN 2007

signed

Gale Lawrence Webb, Pro Se